

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**TRUSTEES OF THE PENSION, WELFARE )  
AND VACATION FRINGE BENEFIT FUNDS )  
OF IBEW LOCAL 701, )**

**Plaintiffs, )**

**vs. )**

**CCS UTILITIES CORPORATION, an )  
Illinois Corporation, and HYONG BUCHNER, )  
Individually )**

**Defendants. )**

**No.: 11 CV 05324**

**Judge: Lefkow**

**MOTION FOR DEFAULT AND JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, JOHN F. ETZKORN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter Judgment in a Sum Certain in favor of Plaintiffs and against Defendant, CCS UTILITIES CORPORATION, an Illinois Corporation, in the amount of \$15,684.11.

In support of their motion, thereof, Plaintiffs state as follows:

1. This case was filed on August 5, 2011.
2. Defendant CCS UTILITIES CORPORATION, an Illinois corporation was served on August 16, 2011 c/o Lorine Samuels, as registered agent and have not appealed or answered within the time allowed by law.
3. Pursuant to the Affidavit of Eric J. Fernandez & Co., Fund Auditor, attached hereto, delinquent contributions are due in the amount of \$13,570.10 based on a review of the books and records of CCS UTILITIES CORPORATION.

4. Pursuant to the Affidavit of John F. Etzkorn, attached hereto, the Plaintiffs have incurred \$1,893.48 in reasonable attorneys' fees and costs in the course of prosecuting this action, and such fees and costs are required to be paid by Defendants pursuant to the applicable trust agreements and pursuant to ERISA at 29 U.S.C. Section 1132(g)(2).

WHEREFORE, Plaintiffs request this Court for relief as follows:

A. Enter judgment in favor of Plaintiffs and against Defendant, CCS UTILITIES CORPORATION, in the sum of \$15,684.10 consisting of \$13,570.10 amount due under an audit for the period from June, 2009 through May, 2010, and \$2,114.00 in attorneys' fees and costs.

B. This Court grants such other relief as it deems equitable and just under the circumstances.

TRUSTEES OF THE PENSION,  
WELFARE AND VACATION FRINGE  
BENEFIT FUNDS OF IBEW LOCAL 701,

By: s/John F. Etzkorn  
One of their Attorneys

John F. Etzkorn  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, IL 60604  
(312) 236-0415

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**AFFIDAVIT**

JOHN F. ETZKORN, being first duly sworn, on oath deposes and states as follows:

1. He is a partner employed by the law firm of Arnold & Kadjan, Attorneys for Plaintiffs in this lawsuit.

2. In that capacity, he is familiar with the books and records of Arnold & Kadjan as they relate to the instant lawsuit; he has examined those books and records and finds the following legal services have been billed and/or rendered to Plaintiffs herein by Arnold and Kadjan in connection with the instant lawsuit:

06/08/2011	1.00	200.00
06/17/2011	0.50	100.00
06/22/2011	2.00	400.00
08/09/2011	0.50	100.00
08/12/2011	1.00	200.00
08/19/2011	0.50	100.00
09/02/2011	2.00	400.00
09/06/2011	0.50	100.00

**TOTAL ATTORNEYS' FEES**

**\$1,600.00**

3. In addition, the following costs were incurred in connection with this matter:

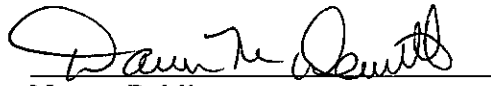
08-05-2011	Filing Fee Clerk, U.S. District	350.00
08-16-2011	Process Server, The Argus Agency, Inc.	164.00

TOTAL COSTS: \$514.00

4. I certify that the foregoing costs and attorneys' fees, totaling \$2,114.00 were necessary and reasonable.

  
JOHN F. ETZKORN

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of September, 2011 .

  
Notary Public



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**AFFIDAVIT**

CARL L. SWANSON, first being duly sworn, on oath states as follows:

1. He is a partner in Eric J. Fernandez & Co., a certified public accounting firm ("the Company").

2. In that capacity, he is personally familiar with and has personally reviewed an audit prepared by the company for one of its clients, TRUSTEES OF THE PENSION, WELFARE AND VACATION FRINGE BENEFIT FUNDS OF IBEW LOCAL 701 ("the Funds").

3. The audit in question was of the contributions submitted by CCS UTILITIES CORPORATION ("the Employer") for the period from January 1, 2007 through October 30, 2010.

4. The audit disclosed that the Employer is delinquent in and has failed to pay required fringe benefit contributions to the Funds in the amount of \$11,200.10.

5. In addition, the Employer is required to pay liquidated damages on its unpaid contributions at the rate of 10% thereof, which I have calculated to be \$1,120.00.

6. In addition, the Employer is required to pay the cost of the review and report, which was \$1,250.00.

7. The total delinquency, accordingly, is \$13,570.10, plus the amount of any attorneys' fees and costs which are also owed.

8. Affiant suffers from no incapacity and, if called as a witness herein, can testify competently to each and every fact alleged herein.

ERIC J. FERNANDEZ & CO.

Carl Swanson CPA  
BY: Carl L. Swanson, CPA

SUBSCRIBED AND SWORN to before me  
this 8th day of September, 2011.

Thomas W. Romano  
Notary Public

